

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 42B 30011045 PROVISIONAL PERMIT
Version: 1 -- ORIGINAL RIGHT

Version Status: TERMINATED

Owners: FIDELITY EXPLORATION & PRODUCTION CO
1700 LINCOLN ST SUITE 4600
DENVER, CO 80203

Priority Date: JUNE 17, 2004 at 10:35 A.M.

Enforceable Priority Date: JUNE 17, 2004 at 10:35 A.M.

Purpose (use): WATER MARKETING
THE APPLICANT PROPOSES TO MARKET AND DISTRIBUTE WATER UNDER WATER MARKETING AGREEMENTS FOR INDUSTRIAL, IRRIGATION, STOCKWATER, AND OTHER BENEFICIAL USES.

Maximum Flow Rate: 5.35 CFS

Maximum Volume: 3,863.00 AC-FT

Source Name: WATER EXTRACTED OR PRODUCED THROUGH THE EXPLORATION AND DEVELOPMENT OF COAL BED METHANE

Source Type: OTHER

DEVELOPED WATER FROM COAL BED NATURAL GAS PRODUCTION.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2	35	8S	41E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: PIPELINE						
2			1	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: PIPELINE						
3			2	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: PIPELINE						
4			3	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: PIPELINE						
5			4	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: PIPELINE						
6			5	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: PIPELINE						
7			8	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: PIPELINE						
8			9	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: PIPELINE						
9			10	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: PIPELINE						
10			11	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: PIPELINE						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
11			12	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
12			13	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
13			14	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
14			15	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
15			16	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
16			17	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
17			20	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
18			21	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
19			22	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
20			23	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
21			24	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
22			25	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
23			26	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
24			27	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
25			28	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
26			29	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
27			32	9S	39E	BIG HORN
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28			33	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
29			34	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
30			35	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
31			36	9S	39E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
32			4	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
33			5	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
34			6	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
35			7	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
36			8	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
37			9	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
38			17	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
39			18	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
40			19	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
41			20	9S	40E	BIG HORN
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42			21	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
43			22	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
44			23	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						

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45			24	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
46			25	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
47			26	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
48			27	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
49			28	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
50			29	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
51			30	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
52			31	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
53			32	9S	40E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
54			33	9S	40E	BIG HORN
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55			34	9S	40E	BIG HORN
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56			35	9S	40E	BIG HORN
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57			36	9S	40E	BIG HORN
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58			1	9S	41E	BIG HORN
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59			2	9S	41E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
60			3	9S	41E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
61			4	9S	41E	BIG HORN
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62			5	9S	41E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
63			6	9S	41E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
64			7	9S	41E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
65			8	9S	41E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
66			9	9S	41E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
67			10	9S	41E	BIG HORN
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68			11	9S	41E	BIG HORN
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69			12	9S	41E	BIG HORN
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70			13	9S	41E	BIG HORN
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71			14	9S	41E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31 Diversion Means: PIPELINE						
72			15	9S	41E	BIG HORN
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73			16	9S	41E	BIG HORN
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74			17	9S	41E	BIG HORN
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75			18	9S	41E	BIG HORN
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76			19	9S	41E	BIG HORN
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77			20	9S	41E	BIG HORN
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79			22	9S	41E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
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80			23	9S	41E	BIG HORN
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81			24	9S	41E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: PIPELINE						
82			25	9S	41E	BIG HORN
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83			26	9S	41E	BIG HORN
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85			28	9S	41E	BIG HORN
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87			30	9S	41E	BIG HORN
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88			31	9S	41E	BIG HORN
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89			32	9S	41E	BIG HORN
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90			33	9S	41E	BIG HORN
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91			34	9S	41E	BIG HORN
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92			35	9S	41E	BIG HORN
Period of Diversion: JANUARY 1 TO DECEMBER 31						
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93			36	9S	41E	BIG HORN
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THE MEANS OF DIVERSION IS STORAGE VIA A PIPELINE. THE POINT OF DIVERSION IS THE CX FIELD WATER MANAGEMENT SYSTEM WHICH IS A CENTRALIZED PIPELINE AND STORAGE SYSTEM OPERATED TO COLLECT AND STORE DEVELOPED WATER FROM COAL BED NATURAL GAS WELLS.

Reservoir: OFF STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
					BIG HORN

Current Capacity: 3.24 ACRE-FEET

THE PIPELINE STORAGE HAS AN ESTIMATED CAPACITY OF 3.24 ACRE-FEET.

Purpose (Use): WATER MARKETING
Volume: 3,863.00 AC-FT
Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

ID Acres Govt Lot Qtr Sec Sec Twp Rge County

THE PLACE OF USE IS THE SERVICE AREA THROUGHOUT BIG HORN COUNTY,
MONTANA.

Geocodes/Valid: -- NO VALID GEOCODES --

Remarks:

TERMINATED RIGHT INFORMATION

REQUIRED INFORMATION NOT RECEIVED BY DEADLINE OUTLINED IN DEFICIENCY LETTER DATED 06/13/2011. THIS APPLICATION WAS ORIGINALLY GRANTED FOR MONTANA USE. HOWEVER, APPLICATION WAS FOR SOURCE AS PRODUCED WATER. SUPREME COURT SAID WATER HAD TO BE CONSIDERED GROUNDWATER. FIDELITY DID NOT RESPOND TO 6-13-2011 LETTER REQUESTING INFORMATION.